

1 containing the issues programs list for the station, Emily
2 Barr's attachment. I think it's F, page SH3-0339.

3 A I have it.

4 Q Do you see the first issue listed?

5 A Education.

6 Q Could you describe how a program responsive to that
7 issue was developed during the renewal period?

8 MS. SCHMELTZER: Are you limiting it to May 30
9 through September 3, 1991?

10 MR. HOWARD: I'm limiting it to the renewal period.

11 BY MR. HOWARD:

12 Q You may want to refer to this next page where some
13 of those programs are identified.

14 MS. SCHMELTZER: Yes, Your Honor, counsel is leading
15 the witness at this point.

16 MR. HOWARD: I'm just telling him where he might --

17 JUDGE SIPPEL: Well, he's directing his attention
18 and establishing a threshold for the question. You're asking
19 the witness then to pick a program under education?

20 MR. HOWARD: Or another issue if he prefers. It's
21 just for illustration, Your Honor.

22 MR. KLEINER: Education is fine.

23 JUDGE SIPPEL: Tell us the program that you're going
24 to testify to as we start.

25 MR. KLEINER: Front Page on August 10th of 1991 was

1 an interview, one on one interview with Dr. Amprey, the new
2 superintendent of Baltimore City schools. I had suggested to
3 the people who worked on Front Page that we interview Dr.
4 Amprey and make him the subject of a program. I was part of
5 the interview process in the school. I chaired the education
6 committee for the Greater Baltimore Committee and was part of
7 the interview team that interviewed Dr. Amprey and others who
8 were vying for the superintendent's job and when he got that
9 job I suggested to our people that having him as a guest on
10 Front Page to find out what he was going to do -- would be a
11 good thing to do.

12 BY MR. HOWARD:

13 Q Thank you. In your view, Mr. Kleiner, did this
14 process of delegating responsibility to department heads work?

15 A Objection, leading.

16 JUDGE SIPPEL: Sustained.

17 BY MR. HOWARD:

18 Q Could you explain what Emily Barr's responsibilities
19 were with respect to public affairs programming?

20 MS. SCHMELTZER: Objection, vague.

21 MR. HOWARD: It's been a subject of --

22 JUDGE SIPPEL: I'll overrule that objection.

23 MR. KLEINER: Would you repeat the question? I'm
24 sorry.

25 BY MR. HOWARD:

1 Q Would you explain what Emily Barr's responsibilities
2 were with respect to public affairs programming?

3 A Yes. Ms. Barr was in charge of all non-news
4 programming on the station and non-network programming,
5 obviously. And all the people who produced local programs
6 other than news at the station reported directly to Ms. Barr.

7 Q How did you oversee her performance in those --

8 A Through discussions. Her office is right next to
9 mine. We shared a secretary. We probably talked more each
10 day than I did with anyone else in the building.

11 Q On cross examination, Mr. Kleiner the process of the
12 station's ascertainment of issues of importance to the
13 community was raised. Could you tell us in your words how the
14 station interacted with the Baltimore community and its
15 leaders.

16 A Yes. There were so many ways we interacted. We had
17 one, the community advisory board which is one way we
18 interacted. Two, just about every manager at the station was
19 involved in something whether it was a school for
20 disadvantaged children, church groups to literacy, literacy
21 foundations, committees, Boy Scouts, Girl Scouts, YMCAs.

22 Everybody interacted with those groups and got
23 ascertainments there. In addition to that we were all on
24 other committees and we all interacted with each other. For
25 instance, I said jokingly to somebody that my life was in

1 | ascertainment because I became so well known in Baltimore over
2 | the years through editorials and other things that there was
3 | no place I could go that someone, a community leader or just
4 | someone in the community wouldn't come up to me and say
5 | something no matter where I went, whether it was a line in a
6 | grocery store or sitting in a restaurant.

7 | Q They would come up to you and --

8 | A Say, you know what we need, what I need in my
9 | neighborhood or what you should do in your programming or you
10 | know what you did that I didn't like or a comment about an
11 | editorial or a comment about a news story.

12 | Q The station also undertook community activity
13 | projects.

14 | A Yes.

15 | Q Did that play any role in the ascertainment process?

16 | A I think it played a huge role. We were I think in
17 | -- the years run together but one year we helped raise five
18 | million dollars and we were involved in community projects
19 | like Paddle for People, Johns Hopkins Children's Telethon,
20 | Muscular Dystrophy Telethons which had giant local components
21 | to them -- they weren't just turning a switch and carrying the
22 | network. We did a program to raise money for AIDS research,
23 | for HERO, Health Education Resource Organization, Hits for the
24 | Homeless where we did a program to raise money for people who
25 | were homeless. We did a program for -- to help feed the

1 hungry, Bags of Plenty. We did another thing called Health
2 Care for the Homeless to try and raise money for the homeless
3 people to have health benefits. I don't know if there's a
4 list of activities but --

5 MS. SCHMELTZER: Your Honor, I'm going to move to
6 strike the response to the last question. For one thing, Mr.
7 Kleiner testified that the years run together so there is no
8 indication that all of these things occurred between May 30
9 and September 3, 1991 and secondly, some of the things he
10 mentioned were stricken already from this proceeding because
11 they did pertain to events that occurred after the relevant
12 time period.

13 MR. HOWARD: Your Honor, they would go to the weight
14 to be considered or whether it would be considered, but
15 there's no need to strike the entire statement.

16 MS. SCHMELTZER: Well, I think the statement is
17 meaningless because we can't tell when any of this occurred.
18 The record does have more specific evidence than this.

19 JUDGE SIPPEL: Well, it is -- it sounds to be very
20 repetitious to what we had gone over in the --

21 MR. HOWARD: Your Honor --

22 JUDGE SIPPEL: Yeah, go ahead. I'm saying what we
23 went over on October 5 and 6 where we did a lot of this
24 crossing out, striking, leaving in and this all just has a
25 very, very familiar ring to it.

1 MS. SCHMELTZER: It's also beyond the scope of cross
2 because I didn't go into the organizations at all.

3 MR. HOWARD: Your Honor, I'm trying to tie this to
4 the witness's personal involvement. My next question I think
5 will explain tying this in to this witness and why it's not
6 just repetitive.

7 MS. SCHMELTZER: That's beyond the scope of cross.

8 MR. HOWARD: And to tie it into the cross
9 examination.

10 JUDGE SIPPEL: Well, yeah, before -- I don't want a
11 clue -- I don't want to inadvertently clue Mr. Howard to where
12 I think it might be relevant to cross. Yeah, let me hear the
13 next question.

14 BY MR. HOWARD:

15 Q Did you take an active role personally in these --
16 you testified that these -- my question had to do with whether
17 this had to do with ascertainment.

18 A Yes, it did.

19 Q Did you take a personal role in these matters that
20 contributed to ascertainment from your standpoint?

21 MS. SCHMELTZER: Objection. For the same reasons,
22 Your Honor, I don't think he's tied -- up.

23 BY MR. HOWARD:

24 Q Of those, I'm sorry. Of those activities that
25 occurred during the renewal period, that you recall occurred

1 during the renewal period.

2 A Yes.

3 JUDGE SIPPEL: Yes, there is -- that's all right.
4 I'm going to permit that answer. Now, my ruling is as
5 follows. I'm going to allow it to stay in the record but I'm
6 only going to consider that evidence from the standpoint of
7 how Mr. Kleiner carried about his business. In other words,
8 it is not going to go beyond what is already in the received
9 written testimony and to the extent that you went into this in
10 cross examination, to the ascertainment, let me posit my, this
11 comment with the following.

12 I've said this before. The nature of how
13 ascertainment was conducted at WMAR-TV was as they
14 consistently testified to, it's a fluid, unwritten type of
15 person to person approach, whether it's with members of the
16 public or members of the internal staff. To the extent that
17 this explanation corroborates that approach that Mr. Kleiner
18 was operating under and it was basically his system -- he's
19 the general manager of the station -- I think it's both
20 relevant to what you covered on cross and it's -- I will
21 receive it in that sense.

22 But I am going to rely on what we went -- believe
23 me, we worked very hard -- I know that -- on what we did on
24 October 5 and 6 and that is what I'm going to rely upon in
25 findings for specific context and specific events. So you get

1 half of what you asked for, Ms. Schmeltzer.

2 MS. SCHMELTZER: Thank you.

3 MR. HOWARD: Ready for my next question, Your Honor?

4 JUDGE SIPPEL: Oh, yes.

5 BY MR. HOWARD:

6 Q Can you explain -- yes, the question that was before
7 you as I recall it, Mr. Kleiner, was could you describe your
8 role, your personal role in these activities and how it
9 related to the ascertainment?

10 MS. SCHMELTZER: Objection, Your Honor. That's
11 totally --

12 JUDGE SIPPEL: That's already been covered. That's
13 already been covered.

14 MR. HOWARD: He covered what he did. Well -- yes,
15 sir.

16 JUDGE SIPPEL: Well --

17 BY MR. HOWARD:

18 Q Could you -- do you recall how much time, percentage
19 of your time as general manager was spent in the community
20 affairs activities?

21 MS. SCHMELTZER: Objection, Your Honor. That's
22 beyond the scope of cross examination. It could have put it
23 in their direct case if they wanted to put it in there.

24 MR. HOWARD: But it goes, Your Honor, to the
25 question of how Mr. Kleiner was spending his time exactly

1 along the lines of what you described. It's a fluid process.
2 Personal involvement was very important. How much time he
3 spent on this is a relevant --

4 MS. SCHMELTZER: I didn't ask him how much time he
5 spent on different activities at all.

6 MR. HOWARD: She asked --

7 JUDGE SIPPEL: Well, whether you used those exact
8 words or not, there was so much that was covered on
9 ascertainment and I don't want to keep repeating what I said
10 about the nature of how it was done at the station is so
11 important to us. Let me ask before I permit him to respond.
12 I'm going to overrule the objection but I want to be sure that
13 the witness can answer it. Are you able to make that kind of
14 an estimate?

15 MR. KLEINER: As an estimate, yes.

16 JUDGE SIPPEL: As an estimate. All right. As an
17 estimate he can give it to us.

18 MR. KLEINER: I would say 35 to 40 percent of my
19 time.

20 MR. HOWARD: Turning to your --

21 JUDGE SIPPEL: Does that count -- Just a minute.
22 Does that count time eight hours a day at the station or are
23 you talking about time when you are out on the street, when
24 you were testifying about being in the Safeway shopping line
25 or something and talking to your wife and all that.

1 MR. KLEINER: That doesn't count.

2 JUDGE SIPPEL: You're not counting that.

3 MR. KLEINER: No. I'm counting actual meetings.

4 JUDGE SIPPEL: When you're actually on the payroll,
5 on the job.

6 MR. KLEINER: Well, you're always on the payroll.

7 JUDGE SIPPEL: When you're actually on the job.

8 MR. KLEINER: Yes, sir.

9 JUDGE SIPPEL: Good.

10 MR. KLEINER: But I don't have an eight hour day,
11 either.

12 JUDGE SIPPEL: I hear you.

13 MR. HOWARD: Just one more question on this, Your
14 Honor.

15 BY MR. HOWARD:

16 Q With respect to this -- turning to the whole system
17 of ascertainment as you've described it and as WMAR's
18 described it, would you explain why you prefer this system to
19 a system where there's much writing down of issues and the
20 issues are described and written down?

21 MS. SCHMELTZER: Objection. It assumes a fact not
22 in evidence.

23 MR. ZAUNER: I'm going to object on relevancy.

24 JUDGE SIPPEL: I'll sustain the objection.

25 MR. ZAUNER: His preference to one system to another

1 is irrelevant.

2 JUDGE SIPPEL: Okay. I'll sustain your objection,
3 too.

4 BY MR. HOWARD:

5 Q Could you explain, Mr. Kleiner, as to why the system
6 used by WMAR is effective -- why you believe it is effective
7 in presenting programming that responds to ascertainment
8 needs?

9 MS. SCHMELTZER: Objection. Assumes a fact not in
10 evidence.

11 JUDGE SIPPEL: I'll sustain the objection.

12 BY MR. HOWARD:

13 Q Do you believe that this system was effective in
14 producing programming responsive to ascertain community needs?

15 A Objection. Leading.

16 JUDGE SIPPEL: Sustained. This is direct
17 examination.

18 BY MR. HOWARD:

19 Q Why did you use this system of ascertainment?

20 A I thought it was one that would work for me and it
21 did. It works for my style of management which is that of
22 open and inclusiveness and communication rather than dealing
23 with memos and the written document. I felt that people would
24 be more willing to go out and do something knowing that all
25 they had to do was communicate, but if everyone felt they had

1 to write a report every time they went out to do an
2 ascertainment there would be far fewer ascertainments.

3 Q Thank you. Could you turn to attachment O of Emily
4 Barr's testimony? Would you turn to page SH3-09 -- 0920?

5 A Yes.

6 Q In response to cross examination you said that this
7 form that's the capital equipment request was the end of a
8 process. Would you explain what that process is?

9 A The process begins with making a list of what you --
10 I mentioned earlier, a wish list, what you would like to have.
11 It could fall into many categories, new equipment, new
12 technology, replacement of old equipment and you submit that
13 or you do your wish list and then you cull it down yourself
14 and then you submit what you think is a reasonable list to
15 corporate and after I would say several months go by, unless
16 it's emergency stuff, corporate would get back to you and ask
17 you questions, whether you really need this, do you really
18 need that, could you do with another one, could that piece of
19 equipment last another year or whatever and the final, final
20 thing after approval, after pricing, after bidding is this
21 piece of paper here. So probably --

22 JUDGE SIPPEL: Which one is that, 0920?

23 MR. KLEINER: Yeah, of any of these, yes. I meant
24 the capital equipment request form. Capital equipment request
25 form goes in basically after it has been approved.

1 BY MR. HOWARD:

2 Q You testified that corporate would get back to you.
3 How would that occur?

4 A It would either be by telephone call usually or a
5 note usually from Warren Happel who is WPA. He is the
6 corporate vice president of engineering to Joe Bruno or Dick
7 Jansson or Terry Schroeder to myself.

8 Q Speaking -- turning your attention back to the
9 document, the capital equipment request, is there a period of
10 time after -- no. What period of time would occur between
11 approval and this form being completed?

12 MS. SCHMELTZER: Counsel, what page are you
13 referring to? Is this still 0920?

14 MR. HOWARD: SH3-0920, yes.

15 MR. KLEINER: That varies because when you get
16 approval to go ahead, that's the point at which you being the
17 bidding process and if you have two or three vendors you might
18 call two or three or four vendors and have them submit bids
19 and it depends how long it takes for them to get back to you
20 and then to analyze it and to make your recommendations. So
21 in some days it could be a week and in other times it could be
22 a couple of months.

23 BY MR. HOWARD:

24 Q Thank you. That's all for that exhibit. Turning to
25 Contact 2, Mr. Kleiner, was -- what involvement did WMAR

1 employees have in Contact 2?

2 A We had a full time producer, a photographer. We had
3 an assistant to the producer and one of our anchors did the
4 three stories. Actually, we didn't have a full time
5 photographer or photographer for the stories that we did and
6 one of our anchors did the three stories a week.

7 Q Is there anything else you would like to -- could
8 you tell us something else about the station's involvement in
9 Contact 2?

10 MS. SCHMELTZER: Objection, vague.

11 BY MR. HOWARD:

12 Q Is there --

13 A A station --

14 Q I'm sorry. I'll rephrase the question. Did the
15 station -- that's WMAR employees, does that constitute the
16 station's involvement or was there additional involvement by
17 the station?

18 MS. SCHMELTZER: Objection. I don't understand the
19 question.

20 JUDGE SIPPEL: Does the witness understand the
21 question?

22 MR. KLEINER: I'm not sure.

23 JUDGE SIPPEL: All right. You lose on two counts.
24 You may rephrase the question.

25 MR. HOWARD: I'll withdraw.

1 MS. SCHMELTZER: Your Honor, I don't think Ms. Barr
2 should be --

3 MR. HOWARD: That's why she's here, Your Honor.

4 JUDGE SIPPEL: Well, we've already -- yeah, we've
5 already made that ruling, yeah. She's participating with --
6 let it be clear that she's not talking to the witness, that
7 she's talking to counsel.

8 MS. SCHMELTZER: No, she's talking to counsel,
9 that's right.

10 BY MR. HOWARD:

11 Q Where did the WMAR activities occur or where did the
12 Contact 2 activities occur --

13 MS. SCHMELTZER: Objection. Beyond the scope of
14 cross examination.

15 MR. HOWARD: She examined what happened --

16 JUDGE SIPPEL: Well, you did go into Contact 2.

17 MS. SCHMELTZER: Not the activities.

18 JUDGE SIPPEL: Well, you went into Contact 2.

19 MS. SCHMELTZER: Just the use of volunteers.

20 JUDGE SIPPEL: Well, that's an activity. That's
21 close enough. I'm going to permit it.

22 MR. KLEINER: We built an office in the back for the
23 Contact 2 unit. We put in a telephone system, computer
24 system, all the resources, wires. The only resources that
25 weren't WMAR's were the volunteers from the National Council

1 of Jewish Women.

2 BY MR. HOWARD:

3 Q Was there any financial assistant to Contact 2 from
4 the station?

5 MS. SCHMELTZER: Objection. Leading and not tied to
6 the relevant period of time.

7 JUDGE SIPPEL: Well, sustained on the first ground.
8 If I understand your question assumes the relevant period.

9 MR. HOWARD: Yes, it assumes the relevant period,
10 Your Honor -- as being the renewal period.

11 BY MR. HOWARD:

12 Q Do you know what financial assistant if any Contact
13 2 received?

14 MS. SCHMELTZER: Objection, leading.

15 JUDGE SIPPEL: I don't think that is leading. It's
16 not leading. I'll overrule the objection.

17 MR. KLEINER: The station financially --

18 JUDGE SIPPEL: Do you know? He's asking you do you
19 know.

20 MR. KLEINER: Specifically, no? The station bore
21 the full financial responsibility of Contact 2. Whatever
22 financial responsibility there was the station bore.

23 JUDGE SIPPEL: And that was Scripps Howard?

24 MR. KLEINER: That was during the relevant period,
25 yes.

1 JUDGE SIPPEL: So that was Scripps Howard.

2 MR. KLEINER: Scripps Howard.

3 BY MR. HOWARD:

4 Q Thank you. On cross examination there was some
5 discussion of face to face contacts with Scripps Howard's
6 corporate management and WMAR during the renewal period. Were
7 there other types of contacts between the station, between
8 you, personally, and Scripps Howard management during the
9 renewal period of any nature?

10 A Yes.

11 Q Could you describe those contacts?

12 A Telephone, lots of telephone conversations.

13 Q Could you describe the frequency of those telephone
14 conversations?

15 A I would be surprised -- almost daily, a telephone
16 call one way or the other with either Dick Jansson, Terry
17 Schroeder or Ken Lowe but usually Terry Schroeder or Dick
18 Jansson.

19 Q What would be the substance of telephone
20 conversations with Ken Lowe?

21 A Programming and promotion, sorry.

22 Q During face to face meetings between Scripps Howard
23 corporate management and -- with Scripps Howard -- Let me
24 start again, please. When Scripps Howard corporate management
25 -- you testified that Scripps Howard corporate management did

1 | come to WMAR.

2 | MS. SCHMELTZER: Are you referring to a specific
3 | person?

4 | BY MR. HOWARD:

5 | Q That there were visits by -- there were questions
6 | during cross examination about visits from Scripps Howard
7 | management to the station. Do you recall those visits? Do
8 | you recall visits?

9 | MS. SCHMELTZER: I'm going to object unless we
10 | define who Scripps Howard --

11 | MR. HOWARD: Any corporate management.

12 | MS. SCHMELTZER: Well, can you --

13 | MR. HOWARD: Ken Lowe --

14 | MS. SCHMELTZER: -- make it, narrow your question a
15 | little bit?

16 | MR. HOWARD: Ken Lowe.

17 | JUDGE SIPPEL: Well, let's take some examples. Why
18 | don't we -- why don't you just take -- you've got three or
19 | four top people you're talking about, Mr. Schroeder, Mr.
20 | Jansson. Ask your question with respect to each one. I'll
21 | sustain your objection.

22 | BY MR. HOWARD:

23 | Q Do you recall a time during the renewal period when
24 | Terry Schroeder visited the station?

25 | MS. SCHMELTZER: Asked and answered, Your Honor.

1 JUDGE SIPPEL: Well, he's --

2 MR. HOWARD: Your Honor, I withdraw the question.

3 It's not -- I withdraw the questions.

4 JUDGE SIPPEL: All right.

5 MR. HOWARD: Can I have just a moment, Your Honor?

6 JUDGE SIPPEL: Yes, you may. Let's go off the
7 record for a minute.

8 (Off the record.)

9 JUDGE SIPPEL: Back on the record.

10 MR. HOWARD: I have no further questions, Your
11 Honor.

12 JUDGE SIPPEL: Anything on recross?

13 MS. SCHMELTZER: I have a few questions.

14 RECROSS EXAMINATION

15 BY MS. SCHMELTZER:

16 Q Mr. Kleiner, Mr. Howard asked you about Contact 2
17 and you specifically mentioned building a studio.

18 A No, I didn't say building a studio.

19 Q But you referred to building something.

20 A Offices.

21 Q Offices. Was that before Scripps Howard acquired
22 the station?

23 A I believe so.

24 Q And am I correct that the volunteer employees that
25 were utilized by Contact 2 were not paid in any way by Scripps

1 Howard?

2 A Yes, they're not employees.

3 Q Correct. Now, Mr. Howard also asked you about how
4 you interacted with the community and you gave as one of your
5 examples the community advisory board.

6 A Yes.

7 Q Did you interact with the community advisory board
8 during the relevant period of time between May 30, 1991 and
9 September 3, 1991?

10 A We did not have a formal meeting. I may have had a
11 conversation or two but I don't recall.

12 Q So is it fair to say that you didn't interact with
13 the board during that period of time?

14 A With the board as a whole?

15 Q Correct.

16 A That's fair to say.

17 Q You also said, Mr. Kleiner, in response to a
18 question from Mr. Howard that you spent 35 to 40 percent of
19 your time on community ascertainment, is that correct?

20 A That's not correct.

21 MR. HOWARD: (inaudible)

22 MS. SCHMELTZER: I can't hear you.

23 JUDGE SIPPEL: I'm sorry?

24 MR. HOWARD: I believe that's a mischaracterization
25 of the testimony, Your Honor.

1 JUDGE SIPPEL: Well --

2 BY MS. SCHMELTZER:

3 Q Well, how much time did you spend on community
4 ascertainment, Mr. Kleiner?

5 JUDGE SIPPEL: I'll sustain the objection in the
6 sense that there seems to be a disagreement about the
7 recollection. But I think, yes, you'll have to ask the
8 witness to -- what he recalls he said --

9 MS. SCHMELTZER: Right.

10 JUDGE SIPPEL: -- about that in terms of the time
11 period.

12 MR. KLEINER: I said community ascertainment and
13 activities.

14 BY MS. SCHMELTZER:

15 Q Community ascertainment and --

16 A Ascertainment and activities.

17 Q -- activities. Can you tell us how much of that
18 time you spent on community ascertainment?

19 A No.

20 Q You can't tell or as a whole?

21 A As a whole it added up to 35 to 40 percent of my
22 time.

23 Q The community ascertainment and activities.

24 A And activities. Now, as I mentioned earlier, I said
25 jokingly that my life was in ascertainment, but it all wasn't

1 specifically ascertainment.

2 Q But is it fair to say that according to your
3 testimony on redirect examination you spent a fair amount of
4 your time on community ascertainment and activities, didn't
5 you?

6 A I sure did, yes.

7 Q Okay. Would you consider that one of your areas of
8 responsibility?

9 A Yes, I would.

10 Q How much time did you spend on station sales, do you
11 recall?

12 MR. ZAUNER: Objection, Your Honor.

13 JUDGE SIPPEL: She's testing. I'll overrule the
14 objection to a point. I mean, she can go down this road a
15 bit. Go ahead, Ms. Schmeltzer.

16 BY MS. SCHMELTZER:

17 Q How much time did you spend on station sales?

18 A It would vary depending on what the needs were in
19 the sales department. I would go on an occasional sales call
20 if they needed me. I would talk to the sales manager about
21 philosophies and methods of selling and promotional ideas or
22 even pricing. But it could vary.

23 Q Did that amount to 35 or 40 percent of your time?

24 A I beg your pardon?

25 MR. HOWARD: Objection.

1 JUDGE SIPPEL: I'm sorry. Is there an objection
2 here?

3 MR. HOWARD: Objection, Your Honor. She didn't
4 permit him to finish his answer.

5 JUDGE SIPPEL: I'm sorry. I missed that. You be
6 sure that the witness completes.

7 MS. SCHMELTZER: I thought he was finished.

8 JUDGE SIPPEL: You get his style. Just give it --

9 MR. KLEINER: It would vary depending on what was
10 needed by the sales department or some things that I knew that
11 they didn't know.

12 BY MS. SCHMELTZER:

13 Q Did that amount to 35 to 40 percent of your time?

14 A Not likely. That would only leave 20 to 30 percent
15 for everything else.

16 Q How much of the time did you spend on engineering?
17 Can you come up with a percentage on that?

18 A Very little.

19 Q How about news, overseeing the news department?

20 A News, inside the building I probably spent more time
21 in the news department of my inside time than anyplace else.

22 Q How about financial operations? Can you tell us
23 what percentage of time you spent on financial operations?

24 A Only in going through the financial reports with my
25 business manager and our weekly analysis of what's going on.

1 Q Was that as high as 35 to 40 percent?

2 A No.

3 Q I'd like to refer your attention to paragraph 12 of
4 your direct case exhibit. It's SH2-5.

5 JUDGE SIPPEL: While we're turning to that,
6 approximately while during this renewal period, how many days,
7 how many hours a day and how many days a week were you working
8 on station business?

9 MR. KLEINER: I'd generally -- my normal workday if
10 I don't have functions in the evening, my normal workday is
11 usually 11 to 12 hours and then I also worked usually half a
12 day on Sundays.

13 JUDGE SIPPEL: When you say 11 to 12 hours, a day?

14 MR. KLEINER: Yes.

15 JUDGE SIPPEL: And how many days a week?

16 MR. KLEINER: Well, it's five. That doesn't count
17 evening events that I needed to go to.

18 JUDGE SIPPEL: So five plus half a day on Sunday at
19 times.

20 MR. KLEINER: Yes. Probably -- my work week was
21 probably 70 to 80 hours.

22 MS. SCHMELTZER: I'm sorry, Your Honor. Are you
23 finished?

24 JUDGE SIPPEL: I'm finished, yes.

25 BY MS. SCHMELTZER:

1 Q Referring you to paragraph 12 of your direct case
2 exhibit, Mr. Kleiner, it's SH2-5.

3 A Yes.

4 Q The second sentence there describes some areas in
5 the station that you were responsible for.

6 A Yes.

7 Q Is there some reason that you didn't include
8 ascertainment and community activities in there?

9 A No reason. No reason.

10 Q Now, you say you -- in response to cross examination
11 you said you generally managed by exception. Do you recall
12 that?

13 A Something like that, yes.

14 Q Okay. What were the exceptions?

15 A Exceptions were things that are out of the ordinary.
16 If everything was going smoothly and everything was going
17 according to plan I didn't even know about it.

18 Q You also testified in response to questions on cross
19 examination that you had some interactions and meetings with
20 the staff concerning ascertainment. Was any of this put in
21 writing during the period from May 30, 1991 to September 3,
22 1991?

23 A I think --

24 MR. HOWARD: Asked and answered, Your Honor.

25 JUDGE SIPPEL: I'll sustain that objection.